

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

FERNANDO GASTELUM,

Plaintiff,

v.

ARBOR LODGING PARTNERS, LLC,
d/b/a PICCADILLY INN,

Defendant.

No. 2:22-cv-1689-TLN-KJN (PS)

ORDER

This action has been assigned to Chief Magistrate Judge Kendall J. Newman. Because at least one party proceeds without the assistance of counsel, the Local Rules dictate the Magistrate Judge will (1) resolve all non-dispositive matters, and (2) conduct all hearings and issue findings and recommendations on any dispositive matters. See Local Rule 302(c)(21). Should the parties wish to consent to the jurisdiction of the Magistrate Judge for all purposes, including for the entry of final judgment, they may do so using the court's "Consent to Assignment or Request for Reassignment" form. See 28 U.S.C. § 636(c). There is no obligation to consent, and under Federal Rule of Civil Procedure 73(b)(1), the judges will not be notified of a party's choice unless all parties have consented.

Given that defendant has answered the complaint (see ECF No. 14), the case requires scheduling. Accordingly, within 30 days of this order, the parties shall discuss, in person or by

1 telephone, their obligations to transmit mandatory disclosures to the other parties, as required by
2 Federal Rule of Civil Procedure 26. During their meeting, the parties shall discuss whether this
3 case should be stayed and referred to mediation in the court's Voluntary Dispute Resolution
4 Program. The parties should also confer on discovery deadlines.

5 Within 14 days after this conferral, the parties shall file a joint status report with the court
6 for the entry of a pretrial scheduling order. This report shall address the relevant portions of
7 Local Rule 240(a) including subsections (1), (2), (4), (8), (11), (12), (16), (17), and (18); shall
8 include the parties' statement(s) of the case; and may address any other matters the parties believe
9 are important for scheduling purposes. The parties are reminded of their continuing duty to notify
10 chambers immediately of any settlement or other disposition. See Local Rule 160.

11 Finally, plaintiff is reminded that while this court liberally construes filings by parties who
12 are not represented by counsel, pro se parties are still required to comply with the Federal Rules,
13 the court's Local Rules, and all orders of the court. This includes an obligation to confer in good
14 faith with defense counsel on the above matters. Under Local Rule 110, a failure to do so "may
15 be grounds for imposition of any and all sanctions authorized by statute or Rule or within the
16 inherent power of the Court," including monetary sanctions, the striking of a pleading or motion,
17 or dismissal of the case.

18 **ORDER**

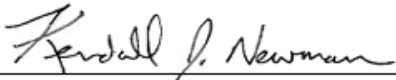
19 Pursuant to Federal Rule of Civil Procedure 16 and Local Rule 240, IT IS HEREBY
20 ORDERED that:

- 21 1. Within 30 days of this order, the parties shall discuss, in person or by telephone, their
22 obligations to transmit mandatory disclosures to the other parties, as required by Federal
23 Rule of Civil Procedure 26. During their meeting, the parties shall discuss whether this
24 case should be stayed and referred to mediation in the court's Voluntary Dispute
25 Resolution Program. The parties should also confer on discovery deadlines.
- 26 2. Within 14 days after this conferral, the parties shall file a joint status report with the court
27 for the entry of a pretrial scheduling order. This report shall address the relevant portions
28 of Local Rule 240(a) including subsections (1), (2), (4), (8), (11), (12), (16), (17), and

(18); shall include the parties' statement(s) of the case; and may address any other matters the parties believe are important for scheduling purposes.

3. The parties are reminded of their continuing duty to notify chambers immediately of any settlement or other disposition. See Local Rule 160.

Dated: June 28, 2023


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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